UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,097	10/19/2001	Jonathan Wu	P1317	7691

24739 7590 03/20/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 December 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-35</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-11 and 24-35</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>12-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed December 12, 2005. Claims 1-

35 are pending in the present application.

Election/Restrictions

Applicant's election without traverse of claims 12-23 in the reply filed on December 12,

2005 is acknowledged.

Specification

The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 12-17 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by

Lavian (USPN 6,170,015).

As per claim 12, Lavian teaches a distributed application server system for enabling the client device to interact with an information and presence service (Figure 3) comprising a data-interpretation module for interpreting data sent to the device from the client service and creating an object model from instructions embedded in the data, such that a runtime engine executes software to display module data on the client device as characterized by function attributes of the end device (Column 3, Lines 40 – 49; Column 4, Lines 2 - 8).

As per claim 13 Lavian, teaches the distributed application server system as described above wherein the network is the Internet network (Column 6, Lines 38 - 42; Figure 10, #1013).

As per claims 14 and 15, Lavian teaches the distributed application server system as described above wherein message data is propagated between the service and the client device using query applications and response formats developed by the client to execute logic instructions on the client side ((Java application environment) Column 3, Lines 31 - 35: Column 4, Lines 2 - 8).

As per claims 16, 21 and 22, Lavian teaches the distributed application server system as described above wherein the web browser software communicates through a variety of protocols (HTTP, SOAP), such that the query applications are developed using markup languages and embedded script languages (software applets) to send and receive data [comparable markup languages {e.g. XML, HTML, compact} are standard languages of the internet] (Column 5, Lines 25 - 30, Figure 4, # 401).

As per claim 17, Lavian teaches the distributed application server system as described above wherein the query applications contain differing logic instructions developed to render response data differently according to different data sources (Column 4, Lines 2 - 8.)

As per claim 19, Lavian teaches the distributed application server system as described above wherein the second version' of software is a distributed server application having full Web browser functionality (Column 5, Lines 25 - 30).

As per claim 20, Lavian teaches the distributed application server system as described above wherein the logic instructions are Javascript and the object model is an executable Javascript object (Column 4, Lines 31 - 36).

As per claim 23, Lavian teaches the distributed application server system as described above wherein the data-interpretation module (Java Virtual Machine) interprets and executes the instruction code on the end platform (Column 3, Lines 40 – 47, Column 4, Lines 26 - 28).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavian in view

of Gerszberg et al. (USPN 6,044,403).

With respect to claims 18, Lavian teaches a networked-based system for routing data

between browser-based clients with access to the network and networked devices comprising a

router connected to the network for establishing routes between the client and devices (Column

2, Lines 45 - 49, Figures 3 and 4) but fails to specifically teach a process wherein at least one

client device is a mobile device connected to the network through a wireless network. However,

Gerszberg discloses a similar network server architecture that transmits data over the internet

(Column 20, Lines 40 - 42) whereby the system supports wireless voice mobility (Column 17,

Lines 60 - 67).

Therefore, it would have been obvious to 'one having ordinary skill in the art having the

teachings of Lavian and Gerszberg before one at the time of the invention to teach Lavian's

method of computer networking such that browser software communicates with a router

(network switch) to transmit data to the application sewer (Column 5, Lines 25 – 30; Figure 4),

and to include Gerszberg's method of wireless access to the network. The combination would

provide increased internet-accessible functionality, while maintaining optimal client-sewer based

performance.

Response to Arguments

Applicant's arguments filed July 8, 2005 have been fully considered but they are not

persuasive.

In response to Applicant's argument that there is no teaching of the receiving device

implementing a data-rendering module for applying the logic resulting from execution of the

object model (runtime engine) to function and display devices supported on the client device," as

disclosed by claim 12, the PTO respectfully submits that this is taught by Lavian in col. 3, lines

46-49, which teaches a runtime engine that takes a byte code and transform it into instructions

that can be read on a PC. Col. 4, lines 2-8 discloses displaying an application on a client

computer.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The

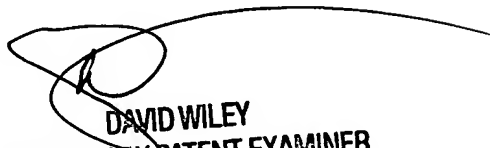examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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